

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

JANUARY 15, 2004

The Marlboro Township Council held a regularly scheduled Council Meeting on January 15, 2004 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Mione opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 5, 2004; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

PRESENT: Councilman Burrows, Council Vice President Denkensohn, Councilwoman Morelli, Councilman Pernice and Council President Mione.

Also present were: Mayor Robert Kleinberg, Michael Gluck, Esq., Andrew Bayer, Esq., Business Administrator Chris Marion, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

The Clerk called the Roll.

Following a proposal by Council President Mione and discussion between Council, Administration and Mayor, the following Resolution # 2004-30 (Resolution Creating an Advisory Committee on Ethics) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Council President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-30

RESOLUTION CREATING AN "ADVISORY COMMITTEE ON
ETHICS" OF THE TOWNSHIP COUNCIL

WHEREAS, Section 4-12 of the Code of the Township of Marlboro authorizes the Township Council to create special committees; and

WHEREAS, in an effort to move forward with good government and ensure the integrity of all boards, agencies, committees, appointees and elected officials of the Township of Marlboro, the Township Council believes that there exists a need for the creation of an Advisory Committee on Ethics of the Township Council to study certain issues related to the ethical standards imposed upon elected officials, appointees, officers and employees of the Township of Marlboro; and

WHEREAS, the Township Council's goal is to create a bipartisan committee that will be charged with the responsibility of recommending to the Township Council a process that outlines a clear and precise procedure for dealing with ethical issues for all elected officials, appointees, officers and employees; and

WHEREAS, the Township Council having considered the same, now wishes to create an Advisory Committee on Ethics of the Township Council.

NOW THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. The Advisory Committee on Ethics of the Township Council is hereby established;
2. Said Committee shall consist of three (3) members. One member of the Committee shall be a Democratic Township Council member and one member shall be a Republican Township Council member, both of whom shall be appointed by the President of the Township Council. One member shall be a representative from the Administration appointed by the Mayor. The Department of Law shall provide legal advice to the Committee;
3. The President of the Township Council hereby appoints to the Advisory Committee on Ethics the following individuals: Joseph Pernice (Republican Township Council member) and T. Grover Burrows (Democratic Township Council member). Additionally, the Mayor shall designate a representative of the Administration to sit on the Committee;

4. The Advisory Committee on Ethics shall be responsible for examining proposed ethics questionnaires and/or disclosure forms; the performance of background checks; potential revisions to the ethics provisions contained within the Code of the Township of Marlboro; the current enforcement of the ethics provisions contained within the Code of the Township of Marlboro; the reinstatement of an Ethics Board; and the legal ramifications and costs related to the application and enforcement of certain ethical standards and requirements; and

5. Following its examination of these issues, the Advisory Committee on Ethics shall recommend a process to the Township Council that outlines a clear and precise procedure for dealing with ethical issues for all elected officials, appointees, officers and employees.

The following Resolution # 2004-5 (Appointing Zoning Board of Adjustment - Castellucci, Rosen and Goldzweig) was introduced by reference, offered by Council Vice President Denkensohn and seconded by Council President Mione. Discussion followed, during which Councilman Pernice and Councilwoman Morelli expressed their concerns on appointment procedures. After discussion, Council divided the question and voted on each position individually. On the appointment of Joseph Castellucci, roll call vote was taken, passing on a 3 - 2 vote in favor, with Councilman Pernice and Councilwoman Morelli voting no. On the appointment of Jeffrey Rosen, roll call vote was taken, passing on a 4 - 1 vote in favor, with Councilman Pernice voting no. On the appointment of Seth Goldzweig, roll call vote was taken, passing on a 3 - 2 vote in favor, with Councilman Pernice and Councilwoman Morelli voting no.

RESOLUTION # 2004-5

RESOLUTION APPOINTING ZONING BOARD
OF ADJUSTMENT MEMBERS

WHEREAS, the Marlboro Township Zoning Board of Adjustment was created pursuant to N.J.S.A. 40: 55D-69 and Section 84-8 of the "Code of the Township of Marlboro, New Jersey" which provide that the members thereof shall be appointed by the governing body; and

WHEREAS, the Township Council wishes to appoint JOSEPH CASTELLUCCI to serve as a regular member of the Zoning Board of Adjustment, for a four (4) year term; and

WHEREAS, the Township Council wishes to appoint JEFFREY ROSEN to serve as Alternate #1, to fill the unexpired term of T. GROVER BURROWS; and

WHEREAS, the Township Council wishes to appoint SETH GOLDZWEIG to serve as Alternate #2, for a two (2) year term.

NOW, THEREFORE BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

That it hereby appoints JOSEPH CASTELLUCCI, JEFFREY ROSEN AND SETH GOLDZWEIG, to serve as members of the Marlboro Township Zoning Board of Adjustment in the positions specified above, and for the terms indicated above.

The following Resolution # 2004-9 (Appointment of Chairman - Negotiating Committee for Acquisition of Marlboro Hospital - Barry D. Denkensohn (carried from 1/4/04) was introduced by reference, offered by Council President Mione, seconded by Councilman Burrows and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-9

BE IT RESOLVED by the Township Council of the Township of Marlboro that BARRY D. DENKENSOHN is hereby appointed as Chairman of the Negotiating Committee for the Acquisition of the Marlboro State Psychiatric Hospital property, such term to expire December 31, 2004.

The following Resolution # 2004-28 (Supporting Legislation Authorizing Assessment of Development Impact fees) was introduced by reference, offered by Council President Mione, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-28

RESOLUTION ENDORSING LEGISLATION AUTHORIZING THE ASSESSMENT
OF DEVELOPMENT IMPACT FEES BY MUNICIPALITIES.

WHEREAS, new construction and development can, and often does, burden existing and often inadequate services and infrastructure, and forces municipalities to expend additional monies in order expand and upgrade such services and infrastructure to support such growth; and

WHEREAS, there is currently legislation pending before the New Jersey State Legislature which proposes to amend the current Municipal Land Use Law, *N.J.S.A. 40:55D-1, et seq.*, by authorizing municipalities to impose development impact fees upon developers under certain circumstances; and

WHEREAS, development impact fees are one-time charges assessed to new developments by a municipality in order to offset the costs of additional municipal services and infrastructure necessitated by the new development; and

WHEREAS, revenue generated by development impact fees may be used for the construction and/or expansion of public facilities, such as water and sewer systems, roads, schools, libraries, parks and recreational facilities, within a municipality; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro is of the opinion that legislation authorizing the assessment of development impact fees advances the interests of the residents of the Township of Marlboro and should be supported and enacted into law.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the Mayor and Township Council of the Township of Marlboro do hereby support Assembly Bill A-594 and Senate Bill A-556 which will authorize the assessment of development impact fees by municipalities for the aforesaid reasons.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to Governor James McGreevey, State Senator Ellen Karcher, Assemblyman Dr. Robert Morgan, Assemblyman Michael Panter, and all surrounding municipalities.

The following Items were carried to the January 29th agenda: Item #11 (Award of Contract Human Resources Software), Item #12 (Change Order Aquatic Center - CME), Item #13 (Award of State Contract), Item #14 (Change Order Security System), Item #15 (Change Order Vanderburg Pump Station), Item #16 (Award of Bid - CAD/RMS), Item #17 (Reject and Rebid - In-car Police Cameras), Item #18 (Tax Collector Resolutions), Item #19 (Award of Contracts - Joint Purchase Group Road Materials).

At 10:05 pm, Councilman Pernice moved that the meeting go into executive session for reason of discussing acquisition of property, contract negotiations and litigation. This was seconded by Councilwoman Morelli, and as there was no objection, the Clerk was asked to cast one ballot.

RESOLUTION # 2004-29

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 15th day of January, 2004 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, acquisition of property, contract negotiations and litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 45 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 10:50 pm, Council Vice President Denkensohn moved that the meeting be opened. This was seconded by Councilman Pernice, and as there was no objection, the Clerk was asked to cast one ballot.

At 10:51 pm, Council vice President Denkensohn moved that the meeting be adjourned. This was seconded by Councilman Burrows, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: February 26, 2004

OFFERED BY: Pernice

AYES: 4

SECONDED BY: Morelli

NAYS: 0

ABSENT: Burrows

ALIDA DE GAETA
MUNICIPAL CLERK

JAMES MIONE
COUNCIL PRESIDENT